

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

BILLY CLAIR KILLINGSWORTH,

Petitioner,

v.

CIV 07-389 MV/CEG

STANLEY MOYA, Warden, et al.,

Respondents.

ORDER ADOPTING MAGISTRATE JUDGE'S
PROPOSED FINDINGS AND RECOMMENDED DISPOSITION

The Magistrate Judge filed her Proposed Findings and Recommended Disposition on August 8, 2007. *See Doc 20*. Killingsworth filed his objections to the Proposed Findings and Recommended Disposition on September 20, 2007. *See Doc. 32*. The Court has carefully reviewed Killingsworth's objections de novo and finds that he is simply rearguing the claims submitted to the Court in his Application for Writ of Habeas Corpus.¹ Killingsworth fails to understand that he is challenging extradition in the demanding state and, as such, habeas review is not proper. Accordingly, the Court concurs with the Magistrate Judge's Proposed Findings and Recommended Disposition and finds Killingsworth's objections to be without merit.

Wherefore,

IT IS HEREBY ORDERED THAT:

- 1) the Magistrate Judge's Proposed Findings and Recommended Disposition (*Doc. 20*) are adopted;
- 2) the Application for Writ of Habeas Corpus (*Doc. 1*) is denied; and

- 3) civil case number 07-389 MV/CEG is dismissed with prejudice.


UNITED STATES DISTRICT JUDGE

¹ Much of Killingsworth's objections do not even address the contents of the Proposed Findings and Recommended Disposition. *See, e.g., Doc. 32* at 1-4.